

STATE OF INDIANA)		IN THE WHITLEY SUPERIOR COURT
)	SS:	
COUNTY OF WHITLEY)		CAUSE NO. <u>92D01-2202-CT-000116</u>
ANDREW MOORE,)		
)		
Plaintiff,)		
)		
v.)		
)		
LEAR CORPORATION,)		
)		
Defendant.)		

COMPLAINT

Plaintiff alleges against Defendant that:

1. The Plaintiff is Andrew Moore, a black/African American employee of the Defendant's at all material times to this Complaint.
2. The Defendant Lear Corporation, a company authorized to do business in the State of Indiana, and does so at 2101 South 600 East, Columbia City, Indiana 46725. At all material times to this Complaint, Defendant was an "employer" for the purposes of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* ("Title VII"), and 42 U.S.C. § 1981.
3. Plaintiff filed a Charge of Discrimination with the EEOC on July 7, 2021 (No. 24D-2021-00298), a copy of which is attached hereto, made a part hereof, and incorporated herein as Exhibit "A". The EEOC issued a Dismissal and Notice of Rights on November 19, 2021 (attached as Exhibit "B"), and this Complaint has been filed within ninety (90) days after receipt thereof.
4. Plaintiff began working for Defendant on or about August 8, 2014 and is presently still

employed by Defendant. Plaintiff has been performing within the reasonable expectations of the Defendant at all material times to this Complaint. Plaintiff held the position of Forklift Driver during the events alleged in his Charge of Discrimination, and presently holds the position of Assembly Worker.

5. In May of 2021, Plaintiff was driving his forklift when he bumped into something, but it was a minor collision with no injury or property damage. Nevertheless, Plaintiff was suspended for several days without pay.
6. In June 2021, Plaintiff dropped a foam item off his forklift. No damage was done to the foam item. Nevertheless, he was taken out of his forklift position and moved to the less desirable position of assembly worker.
7. Plaintiff alleges that several Caucasian forklift drivers had committed the same or very similar violations without being suspended and without losing their forklift positions.
8. Plaintiff alleges that he was suspended for refusing a transfer to another area when Caucasian employees who refused to transfer were not suspended.
9. Plaintiff alleges that following the filing of his Charge of Discrimination, he was subjected to over-scrutiny of his work and Defendant nitpicked his every action.
10. Plaintiff alleges that Defendant discriminated against him and retaliated against him on the basis of his race and for engaging in the protected activity of filing a Charge of Discrimination with the EEOC, all in violation of Title VII and 42 U.S.C. § 1981.
11. Defendant's conduct was the direct and proximate cause of Plaintiff suffering lost income, inconvenience, mental anguish, emotional distress, and other damages and injuries.

12. Defendant's conduct was intentional, knowing, willful, wanton, and in reckless disregard of Plaintiff's federally protected rights warranting an imposition of punitive damages.

WHEREFORE, Plaintiff prays for judgment against the Defendant for compensatory damages, punitive damages, reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

JURY DEMAND

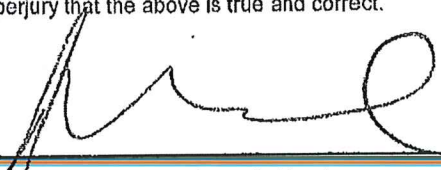
Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

/s/Christopher C. Myers

Christopher C. Myers, #10043-02
809 South Calhoun Street, Suite 400
Fort Wayne, IN 46802
Telephone: (260) 424-0600
Facsimile: (260) 424-0712
E-mail: cmyers@myers-law.com
Counsel for Plaintiff

CHARGE OF DISCRIMINATION		Whitley Superior Court Charge Presented To: Agency(ies) Whitley County, Indiana	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	EC-0085-A21 24D-2021-00298
City of Fort Wayne Metro Human Relations Commission and EEOC			
State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Andrew J. Moore		Home Phone (Incl. Area Code) (260) 579-6507	Date of Birth
Street Address City, State and ZIP Code 2009 Emerson Avenue, Fort Wayne, Indiana 46808			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Lear Corporation		No. Employees, Members Unknown	Phone No. (Include Area Code) (260) 244-1714
Street Address City, State and ZIP Code 2101 S. 600E., Columbia City, Indiana 46725			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 5-1-2021 7-7-2021 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I am a qualified black individual that has worked for the Lear Corporation ("Lear"), since August 8, 2014. I was working as a Forklift Driver until I was recently removed due to accident violations. In May 2021, I backed my forklift into a tugger but caused no damage; however, I was suspended. I had a second work accident in June 2021 where I dropped foam off of my forklift. As a result of this incident I was removed from the forklift position and moved to assembly. Miranda who is white dropped a pallet of parts from 20 feet in the air while operating a forklift but no disciplinary action was taken toward her. Also, Jimmy who is white backed his tugger into a forklift similar to my accident but again Lear took no action against him.</p> <p>For the above reasons, I believe I have been discriminated against on the basis of my race, black, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY -- When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Date July 7, 2021		Charging Party Signature 	

Ex. A

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Andrew J. Moore**
5120 Plaza Drive
Fort Wayne, IN 46806

From: **Indianapolis District Office**
101 West Ohio Street
Suite 1900
Indianapolis, IN 46204



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

24D-2021-00298

Frederick J. BruBaker,
Enforcement Supervisor

(463) 999-1148**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

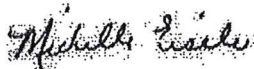
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

11/19/2021



Enclosures(s)

Michelle Eisele,
District Director

(Date Issued)

Ex. B